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**Tempe City Council  
October 19, 2006**

Harry E. Mitchell Government Center  
Tempe City Hall - City Council Chambers  
31 East Fifth Street  
7:30 p.m.

1. INVOCATION - Councilmember Arredondo
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Councilmember Mitchell
  - A. Approval of Council Meeting Minutes
    1. Council's Executive Session – October 5, 2006
    2. Council's Issue Review Session – October 5, 2006 [20061019clrkck01.pdf](#)
    3. Council's Formal Meeting – October 5, 2006 [20061019clrkck02.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    4. Community Special Events Task Force – September 26 & October 10, 2006  
[20061019setf01.pdf](#) [20061019setf02.pdf](#)
    5. Enhanced Services Commission – September 13, 2006 [20061019esc01.pdf](#)
    6. Hearing Officer – September 19, 2006 [20061019ho01.pdf](#)
    7. Library Advisory Board – September 11, 2006 [20061019lab01.pdf](#)
    8. Mayor's Youth Advisory Commission – September 19, 2006 [20061019myac01.pdf](#)
    9. Neighborhood Advisory Commission – September 6, 2006 [20061019nac01.pdf](#)
    10. Police Public Safety Personnel Retirement Board – August 10 & September 7, 2006
4. REPORTS AND ANNOUNCEMENTS
  - A. Mayor's Announcements
    - **DELETED**
    - National Recreation and Park Association Gold Medal Award
    - **Proclamation for Community Planning Month**
  - B. Manager's Announcements

## 5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (\*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

### A. Miscellaneous Items

11. Request approval of Title V Incentive Grant funds administered through the Governor's Office for Children, Youth and Families, and an extension of the existing contract.

**COMMENTS:** Federal funding for local delinquency prevention. Grant totals \$47,733.  
**DOCUMENT NAME:** [20061019csjt01.pdf](#) **COMMUNITY SERVICE ADM (0701-01)**

12. Request approval of an artist agreement with Brower Hatcher for artwork for the Glass Sculpture Garden at the Tempe Center for the Arts.

**DOCUMENT NAME:** [20061019csju01.pdf](#) **TEMPE ARTS CENTER (0109-19)**

13. Request approval of an Intergovernmental Agreement between Tempe School District No. 3 and the City of Tempe for the implementation of the Experience Corps™ program.

**DOCUMENT NAME:** [20061019csjt02.pdf](#) **COMMUNITY SERVICE ADM (0701-01)**

14. Request approval for the Mayor to execute a license agreement between XO Communications, Inc., and the City of Tempe for the continued use of the city's rights-of-way to provide intrastate telecommunication services.

**DOCUMENT NAME:** [20061019ITD01.pdf](#) **XO COMMUNICATIONS (0802-29)**

- \*15. This is a public hearing to recommend the approval of a Series 09 Liquor Store License for Circle K, Incorporated, dba Circle K Store #0145, 1101 S. Rural Road.

**COMMENTS:** Kim Kwiatkowski, Agent.  
**DOCUMENT NAME:** [20061019LIQ1.pdf](#) **LIQ LIC (0210-02)**

- \*16. This is a public hearing to recommend the approval of a Series 11 Hotel/Motel Liquor License for Safe Restaurant Manager, LLC, dba Sheraton Phoenix Airport Hotel, 1600 S. 52<sup>nd</sup> Street.

**COMMENTS:** H. J. Lewkowitz, Agent.  
**DOCUMENT NAME:** [20061019LIQ2.pdf](#) LIQ LIC (0210-02)

- \*17. This is a public hearing to recommend the approval of a Series 6 Bar Liquor License for Club Peso, Incorporated, dba Club Cherry, 411 S. Mill Avenue, #201.

**COMMENTS:** Brian Roehrich, Agent.  
**DOCUMENT NAME:** [20061019LIQ3.pdf](#) LIQ LIC (0210-02)

- \*18. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for RJ Restaurants, Inc., dba The Derby Grill & Pub, 6463 S. Rural Road.

**COMMENTS:** Lewis Barnes, Agent.  
**DOCUMENT NAME:** [20061019LIQ4.pdf](#) LIQ LIC (0210-02)

- \*19. This is a public hearing to recommend the approval of an off-track wagering establishment application for American Greyhound Racing, Inc., dba Arizona Off-Track Wagering, to be located at Six Shooters, 705 S. Rural Road.

**COMMENTS:** Daniel Luciano, Agent.  
**DOCUMENT NAME:** [20061019STAX1.pdf](#) LIQ LIC (0210-02)

**B. Award of Bids/Contracts**

20. Request to award one-year contracts with three (3) one-year renewal options to Stabilizer Solutions, Inc., Horizon, Arizona Sports Turf, Inc., and Elite Specialty Products, Inc., for ball field surface maintenance products.

**COMMENTS:** Subject to execution of the final written contracts. Total cost for these contracts shall not exceed \$80,000 during the initial contract period.  
**DOCUMENT NAME:** [20061019fsdl13.pdf](#) PURCHASES (1004-01) (IFB #07-056)

21. Request to award one-year contracts with two (2) one-year renewal options to Mesa Materials and Vulcan Materials Company for raw construction materials.

**COMMENTS:** Subject to execution of the final written contracts. Total cost for these contracts shall not exceed \$375,000 during the initial contract period.  
**DOCUMENT NAME:** [20061019fslg14.pdf](#) PURCHASES (1004-01) (IFB #07-044)

22. Request to award a one-year contract with two (2) one-year renewal options to Arizona Refuse Sales for truck-mounted roll-off container hoists.

**COMMENTS:** Subject to execution of the final written contract. Total cost for this contract shall not exceed \$102,050 during the initial contract period.

**DOCUMENT NAME:** [20061019fsdl12.pdf](#) **PURCHASES (1004-01)** (RFP #07-078)

23. Request to award a one-year contract to American Water Works Association Research Foundation (AWWARF) for an annual membership.

**COMMENTS:** Subject to execution of the final written contract. Total cost for this contract shall not exceed \$35,000 during the contract period.

**DOCUMENT NAME:** [20061019fsts07.pdf](#) **PURCHASES (1004-01)** (Contract #07-094)

24. Request to award a one-year contract with three (3) one-year renewal options to Norit Americas, Inc., for powdered activated carbon (PAC) for the Water Utilities Department.

**COMMENTS:** Subject to execution of the final written contract. Total cost for this contract shall not exceed \$850,000.

**DOCUMENT NAME:** [20061019fsts15.pdf](#) **PURCHASES (1004-01)** (IFB 07-068)

25. Request to award one-year contracts with three (3) one-year renewal options to Spray Systems Environmental and Project Development Group, Inc., for asbestos, lead paint, and mold abatement.

**COMMENTS:** Subject to execution of the final written contracts. Total cost for the contracts shall not exceed \$50,000 during the initial contract period.

**DOCUMENT NAME:** [20061019fsts10.pdf](#) **PURCHASES (1004-01)** (IFB #06-094RB)

26. Request approval of a professional services contract, plus a design contingency, with CMX, LLC, for the Dorsey Lane and Apache Boulevard Park & Ride Facility for the light rail project.

**COMMENTS:** Subject to execution of the final written contract in an amount not to exceed \$68,300, and a design contingency in an amount not to exceed \$9,000.

**DOCUMENT NAME:** [20061019PWTTG02.pdf](#) **TRANSPORTATION PLANNING (1101-01) PROJECT NO. 60-966710**

27. Request approval of a professional services contract with Water Works Engineers, LLC, for the Well No. 6 Raw Water Pipeline project.

**COMMENTS:** Subject to execution of the final written contract in an amount not to exceed \$107,330.

**DOCUMENT NAME:** [20061019PWTG03.pdf](#) **WASTEWATER MANAGEMENT ADMIN. (0812-01) PROJECT NO. 3202701**

28. Request award of a Construction Manager at Risk Construction Services contract, plus a construction change order allowance, to PCL Construction, Inc., for the Johnny G. Martinez Water Treatment Plant Water Quality Improvements Project Guaranteed Maximum Price (GMP) 1.

**COMMENTS:** Construction Manager at Risk Construction Services contract for a Guaranteed Maximum Price of \$1,531,402, subject to execution of the final written contract, plus a construction change order allowance of \$150,000.

**DOCUMENT NAME:** [20061019PWMG04.pdf](#) **JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0811-03) PROJECT NO. 3201091**

29. Request approval of one-year contract renewals with Moyes Storey; Ridenhour, Hinton, Harper, Kelhoffer, Lewis & Garth; Mariscal, Weeks, McIntyre & Friedlander, P.A; Irvine Law Firm, P.A.; Ayers & Brown, P.C.; and Fennemore Craig, P.C. for legal counsel.

**COMMENTS:** Total amount not to exceed \$100,000.

**DOCUMENT NAME:** [20061019fsdl02.pdf](#) **PURCHASES (1004-01) T06-047-01, 06-047-02, 06-047-03, 06-047-04, 06-047-05, 06-047-07**

30. Request approval of a one-year contract renewal with The Segal Company for employee benefits consultant services.

**COMMENTS:** Total amount not to exceed \$101,000.

**DOCUMENT NAME:** [20061019fsdl04.pdf](#) **PURCHASES (1004-01) (T05-053-01)**

31. Request approval of one-year contract renewals with ACR Contracting, Inc., R. R. Hawkins, C&W Sons Enterprises, Inc., BCS Enterprises, Inc., Dickens Quality Demolition, LLC, and KNK Diversified, Inc., for demolition services for selected structures on the light rail right of way.

**COMMENTS:** Total amount not to exceed \$200,000

**DOCUMENT NAME:** [20061019fslq01.pdf](#) **PURCHASES (1004-01) (T05-013-01 thru T05-013-06)**

32. Request approval of a four-month renewal of State of Arizona contracts with Am-Pac, Wingfoot Commercial, and Purcell Western States for tires and tubes.

**COMMENTS:** Total amount not to exceed \$75,000.  
**DOCUMENT NAME:** [20061019fsdl06.pdf](#) **PURCHASES** (1004-01)  
(AD040531-A2-2-A2 and AD040531-A2-3-A3)

33. Request approval to utilize a nine-month Maricopa County contract with 3M Library Systems for three self-check systems for the Tempe Public Library.

**COMMENTS:** Total cost of this contract shall not exceed \$70,000.  
**DOCUMENT NAME:** [20061019fsdl03.pdf](#) **PURCHASES** (1004-01)  
(Contract #03032C)

34. Request approval to utilize a three-month State of Arizona contract with Kelly Services, Staffmark Pacific, LLC, and Corporate Job Bank Personnel Services for temporary employment services.

**COMMENTS:** Total cost of this contract shall not exceed \$256,250 during the initial contract period.  
**DOCUMENT NAME:** [20061019fsdl05.pdf](#) **PURCHASES** (1004-01)  
(AD000171-001-A5, 002-A5, 004-A5)

35. Request approval to utilize a twenty-two month State of Arizona contract with Workplace Safety Specialists for employee OSHA safety training services.

**COMMENTS:** Total cost of this contract shall not exceed \$90,000 during the initial contract period.  
**DOCUMENT NAME:** [20061019fst08.pdf](#) **PURCHASES** (1004-01)  
(Contract # EPS060041-21)

36. Request approval to utilize six-month State of Arizona contracts with Philip Transportation and Remediation, Inc., and Environmental Response, Inc., for emergency and routine response to hazardous substance and/or pollutant situations.

**COMMENTS:** Total cost of these contracts shall not exceed \$70,000 during the initial contract period.  
**DOCUMENT NAME:** [20061019fst09.pdf](#) **PURCHASES** (1004-01)  
(Contracts # SCC060013-2 and SCC060013-4)

37. Request approval to utilize a one-year State of Arizona contract with Brown Evans Distributing Company for vehicle lubricants.

**COMMENTS:** Total cost of this contract shall not exceed \$65,000 during the initial contract period.  
**DOCUMENT NAME:** [20061019fsdl11.pdf](#) **PURCHASES** (1004-01)  
(Contract #SCC070001-A3)

C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- \*38. This is the **introduction and first public hearing** for an ordinance authorizing a development agreement for the sale of real property and dedication of a street and landscape easement to TOWN LAKE PROPERTIES, LLC. **The second public hearing is set for November 2, 2006.**

DOCUMENT NAME: [20061019cdcm01.pdf](#) COMMUNITY DEVELOPMENT/REDEVELOPMENT ADM (0403-01) ORDINANCE NO. 2006.40

- \*39. This is the **introduction and first public hearing** for an ordinance authorizing a development agreement for the sale of real property and dedication of a street and landscape easement to RIO SALADO 2. **The second public hearing is set for November 2, 2006.**

COMMENTS: To Jerry Hubbell and Chris Rowley (and/or their successors in interest, known as RIO SALADO 2, an Arizona general partnership).

DOCUMENT NAME: [20061019cdcm02.pdf](#) COMMUNITY DEVELOPMENT/REDEVELOPMENT ADM (0403-01) ORDINANCE NO. 2006.41

- \*40. This is the **introduction and first public hearing** for an ordinance granting a gas franchise to Southwest Gas Corporation ("SWG"). **The second public hearing is set for November 2, 2006.**

DOCUMENT NAME: [20061019casv01.pdf](#) FRANCHISE ELECTION (0506-3004) ORDINANCE NO. 2006.84

- \*41. This is the **introduction and first public hearing** for an ordinance granting an electric franchise to Arizona Public Service ("APS"). **The second public hearing is set for November 2, 2006.**

DOCUMENT NAME: [20061019casv02.pdf](#) FRANCHISE ELECTION (0506-3004) ORDINANCE NO. 2006.85

- \*42. This is the **introduction and first public hearing** for a Planned Area Development Overlay for KENNETH PLACE LOFTS at 1426 South Kenneth Place. **The second public hearing is set for November 2, 2006.**

COMMENTS: (Jimmy Evans, owner; DeLorme & Associates, applicant) (PL060566) for a Planned Area Development Overlay for eight (8) residential units, located at 1426 South Kenneth Place in the R-4, Multi-Family Residential General District and the Transportation Overlay District, including the following request:

**SPD-2006.10 Ordinance No. 2006.24** Planned Area Development Overlay consisting of 26,064 square feet of building area on 0.40 acres.

**DOCUMENT NAME:** [20061019dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*43.** This is the **introduction and first public hearing** for an ordinance authorizing a lease between the City of Tempe and Save the Family Foundation of Arizona. **The second public hearing will be held on November 2, 2006.**

**DOCUMENT NAME:** [20061019cdnc01.pdf](#) **REAL PROPERTY DISPOSITION (0902-21-01) ORDINANCE NO. 2006.83**

D. Ordinances and Items for Second Hearing/Final Adoption

- \*44.** This is the **second public hearing** for a Major General Plan Amendment for FUTURE ARTS RELATED DEVELOPMENT at 1002 West Rio Salado Parkway.

**COMMENTS:** (City of Tempe, owner; Nancy Ryan, applicant) (PL060403) for a Major General Plan Amendment located at 1002 West Rio Salado Parkway in the MU-4, Mixed Use, High Density; GID, General Industrial; and R1-6, Single Family Residential zoning districts, including the following request:

**GEP06001 Resolution No. 2006.54** General Plan Land Use Map Amendment from Public Open Space and Public Recreational / Cultural to Mixed-Use, and a Projected Residential Density Map from No Density to Medium to High Density (up to 25 dwelling units per acre), all located on approximately 12 acres.

**DOCUMENT NAME:** [20061019dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*45.** This is the **second public hearing** for a Zoning Map Amendment and a Planned Area Development Overlay for ARMORY at 323 East Veteran's Way.

**COMMENTS:** (David Krumwiede, College Avenue Advisors LLC, property owner, Manjula Vaz, Gammage & Burnham, applicant) (PL060380) for the development of two mixed-use buildings (17-story and 20-story), consisting of 364 residential condominium units, 29,146 s.f. of commercial/restaurant area, 45,246 s.f. of office area, and a below-grade parking garage on 1.62 acres, located at 323 East Veteran's Way, in the CSS, Commercial Shopping and Service District / R1-6, Single Family Residential / R-3, Multi-Family Residential Limited, and Transportation Overlay District, including the following request(s):

**ZON06004 Ordinance No. 2006.68** Zoning Map Amendment from CSS, Commercial Shopping and Service District / R1-6, Single Family Residential / R-3, Multi-Family Residential Limited to MU-4, Mixed-Use, High Density District.

**PAD06005** Planned Area Development Overlay for approximately 247,500 s.f. of building area, including condominium units and commercial space.

**DOCUMENT NAME:** [20061019dsd2k01.pdf](#) **PLANNED DEVELOPMENT**

(0406)

E. Resolutions

46. Request approval of a resolution authorizing a Memorandum of Agreement between the Federal Aviation Administration (FAA) Phoenix TRACON, City of Phoenix, City of Tempe, and Williams Gateway Airport Authority to provide access to and use of FAA Flight Track Data for Phoenix Sky Harbor International Airport.

DOCUMENT NAME: [20061019cacc01.pdf](#) SKY HARBOR AIRPORT NOISE POLLUTION (0604-02-01) RESOLUTION NO. 2006.84

47. Request approval of a resolution to accept grant funding from the Arizona Community Foundation for an architectural, engineering and historical assessment of the Eisendrath House.

DOCUMENT NAME: [20061019cdnc03.pdf](#) COMMUNITY DEVELOPMENT ADMIN. (0406) RESOLUTION NO. 2006.85

48. Request approval of a resolution authorizing selection and exclusive negotiations with the Lab Holdings and the Roberto-Venn School of Luthiery in response to a City-issued Request for Proposals for 12 acres west of the Tempe Center for the Arts.

DOCUMENT NAME: [20061019cdnc02.pdf](#) REAL PROPERTY DISPOSITION (0902-21-01) RESOLUTION NO. 2006.86

49. Request approval of a resolution authorizing the execution of all documents necessary for the City of Tempe to accept conveyance of a 2.707 mile segment, known as the El Paso Natural Gas Pipeline easement.

DOCUMENT NAME: [20061019PWMG01.pdf](#) UTILITY EASEMENTS GRANTED (0904-02) RESOLUTION NO. 2006.79

6. **PUBLIC APPEARANCES**

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

**SCHEDULED PUBLIC APPEARANCE**

- **Bobbi Hartmann, Prescott Valley, re: Motorcycle Parking**

**7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS**

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

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